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ROBERT E BUSHNELL
1522 K STREET N W
SUITE 300
WASHNGTON, DC 20005

EXAMINER

CHIEU, PO LIN

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**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Paper No. 15

Application Number: 09/100,952

Filing Date: June 22, 1998

Appellant(s): PARK ET AL.

Robert E. Bushnell
For Appellant

EXAMINER'S ANSWER

This is in response to the appeal brief filed 7/25/02.

(1) *Real Party in Interest*

A statement identifying the real party in interest is contained in the brief.

(2) *Related Appeals and Interferences*

A statement identifying the related appeals and interferences which will directly affect or be directly affected by or have a bearing on the decision in the pending appeal is contained in the brief.

(3) *Status of Claims*

The statement of the status of the claims contained in the brief is correct.

(4) *Status of Amendments After Final*

The appellant's statement of the status of amendments after final rejection contained in the brief is correct.

(5) *Summary of Invention*

The summary of invention contained in the brief is correct.

(6) *Issues*

The appellant's statement of the issues in the brief is correct.

(7) *Grouping of Claims*

Appellant's brief includes a statement that claims 1-12 do not stand or fall together and provides reasons as set forth in 37 CFR 1.192(c)(7) and (c)(8).

(8) *ClaimsAppealed*

The copy of the appealed claims contained in the Appendix to the brief is correct.

(9) *Prior Art of Record*

5,479,266	Young et al.	12-1995
9 5,609,107	Lawler et al.	12-1997
6,154,203	Yuen et al.	11-2000

(10) *Grounds of Rejection*

The following ground(s) of rejection are applicable to the appealed claims:

Claims 1-12 are rejected under 35 U.S.C. 103(a). This rejection is set forth in prior Office Action, Paper No. 9.

(11) Response to Argument

A. The Appellant argues on page 8 that the Young reference does not state how the schedule information for the television schedule is obtain. Thus, Young does not appear to disclose the pre-storage of program identification information.

In response, figure 22A of Young discloses a schedule memory (232) that stores TV listing data received through a programmable tuner (col. 13, lines 1-11). The listing data contains program identification information (col. 2, lines 18-34). Therefore, Young performs pre-storage of the program identification information.

B. The Appellant argues on page 9 the Young reference does not disclose selecting a given broadcasting program for reserve-recording in combination with maintaining the viewing of the given broadcast program selected for recording without interruption while reading the program identification information.

In response, the Office Action dated 10/18/01 admits that Young does not disclose selecting a given broadcasting program for reserved recording in combination with maintaining the viewing of the given broadcast program selected for recording without interruption while reading the program identification information (page 3). However, Young discloses selecting a program for reserved recording (col. 5, lines 40-55) while reading the program identification information (col. 13, lines 25-35) from the displayed program schedule information in figures 2 and 3. Yuen discloses maintaining

the viewing of the program while accessing program schedule information in figure 2. Lawler discloses selecting the program being viewed for reserved recording in figure 10. The combination of Young, Yuen, and Lawler is desirable because it allows the user to view the program schedule information while viewing a given broadcast program, and to selecting the same program for reserve recording by reading the program identification information.

C. The Appellant argues on page 9 that the Examiner fails to address the inability of Young to select a given program for reserve recording in combination with maintenance of the viewing of the given broadcast program selected for recording without interruption while reading the program identification information in the Advisory Action of 22 May 2002 (Paper No. 11).

In response, the Office Action dated 10/18/01 addressed the combination of Young, Yuen, and Lawler (as discussed in section B of the response to arguments) to provide a device that allows the user to view the program schedule information while viewing a given broadcast program, and to select the given program for reserve recording by reading the program identification information.

D. The Appellant argues on page 9 that program guide information is a prospective prediction of broadcast, while the claimed program identification is contemporary identification of the broadcast. Therefore, they are not equivalent.

In response, Young discloses the display of program guide information in figure

1. On the bottom right corner both the current date and time are displayed; and the program guide display displays the programming available from 11:00 AM to 12:00 PM on several channels. Since the current time shown is 11:25 AM, the program guide information is both contemporary and prospective because it shows programming for current and future broadcasting programs.

E. The Appellant argues on page 10 that Yuen does not disclose that the viewing of the program and simultaneous viewing of the broadcast information is carried out with respect to a program selected for reserved recording. Young describes “a picture-in-picture (PIP) setup to allow the user to view an active television channel while browsing the channel guide”. Thus the user is not necessarily viewing broadcast information corresponding to the broadcast being viewed.

In response, the examiner notes that the Appellant appears to be referencing the abstract of Yuen instead of Young. Yuen describes a PIP set up allowing the user to view an active television channel while browsing the program guide. In one embodiment, Yuen discloses that broadcast program information selected on the program guide (fig. 2) is the broadcast program being viewed (col. 3, lines 10-31). Therefore, the viewer must be viewing the broadcast information corresponding to the broadcast being viewed.

In another embodiment, Yuen discloses that the channel guide allows viewing of a program different from the selected broadcast information (col. 7, lines 33-53). The examiner agrees that the program being viewed (i.e. The Cosby Show) is not necessarily the same as the program information that is being viewed (i.e. News). However, Yuen does not provide any suggestion that the channel selected for viewing cannot be the same channel selected for viewing program information (col. 7, lines 33-53). Therefore, the user does not have to, but can select the same program for viewing and for viewing the program information.

F. The Appellant argues on page 10 that the broadcast being viewed in Young is not a program that has been selected for reserved recording. In Young, the broadcast being viewed is merely a broadcast selected for viewing only.

In response, Young does not disclose displaying a broadcast while displaying the program guide. Since the program guide must be displayed to select reserved recording, the examiner agrees that Young does not disclose that the broadcast being viewed is not a program that has been selected for reserved recording. However, the combination of Young, Yuen, and Lawler does suggest displaying a program that has been selected for reserved recording. Young discloses selecting a program for recording from a program guide (figs. 2 and 3). Yuen teaches displaying a program while displaying the program guide (fig. 2). Lawler teaches selection of a currently viewed program for reserved recording (fig. 10). The combination of these teachings

would allow the user to select a program for reserved recording while maintaining the viewing of the selected program.

G. The Appellant argues on pages 10-11 that it cannot be said that Yuen discloses the maintenance of viewing of a given program without interruption while program identification information corresponding to a selected program is being read because the view is subjected to a substantial and even severe reduction (by 75% or more) in size of the broadcast picture.

In response, Yuen discloses that the purpose of the device is to facilitate the viewing of program schedules without losing sight of the current program being watched (col. 3, lines 31-50). Additionally, Yuen does not disclose the amount that the picture is reduced; therefore, the characterization of the reduction (75% or more) as severe is unsubstantiated. Even in the case that the reduction of the picture is by 75% or more, the viewing of the picture is still maintained. Although the picture is reduced, there is no interruption of the viewing.

H. The Appellant argues that a substantial reduction in the size of the view broadcast does constitute an interruption of the viewing of the program, that is, an interruption of “viewing”, in the normal sense of the word.

In response, the examiner again points out that Yuen does not disclose the amount that the picture is reduced. Further, “viewing” is defined as watching or looking

at something. A reduction in the size of the picture still allows the user to watch or look at the broadcasted program.

I. The Appellant argues that the proposed combination based upon Young is unable to provide viewing of a selected program and simultaneously viewing of the broadcast information. The combination of Lawler and Young is not the same as the claimed selection of a given broadcast program for reserved recording while preserving the viewing of the given broadcast program selected for recording without interruptions.

In response, the examiner agrees that Lawler and Young do not disclose the claimed invention. However, the combination of Young, Yuen, and Lawler do. Young is unable to provide viewing of a selected program and simultaneous viewing of the broadcast information. However, Yuen teaches providing viewing of program and the viewing of the broadcast information simultaneously (fig. 2). The combination of Young and Yuen allows the selection of a program for reserved recording while maintaining the viewing of a program (note: the programs may not necessarily be the same program). Lawler discloses selecting a program being viewed for reserved recording in (fig. 10). Therefore, the combination of Young, Yuen, and Lawler suggest that the program being viewed is the same as the program selected for reserved recording.

J. The Appellant argues that there is nothing in the disclosure of Young that would prompt a person of ordinary skill in the art to seek to incorporate the teachings of Yuen. The combination of Young and Yuen is based on hindsight.

In response, Young and Yuen both disclose electronic program guides (EPG) that display the scheduling of programs for several different channels at a particular time on a television. Young uses the entire television to display the programming information. Yuen discloses using part of the television to display programming information; and using the other part to display a broadcasted program. Yuen teaches that it is desirable to perform this operation to allow the viewing of the programming schedule without losing sight of the current program being watched. Therefore, the motivation to combine is provided by Yuen, and not based on hindsight.

K. The Appellant argues on pages 12-13 that Lawler discloses a program reminder system that is provided for the purpose of reminding the user of an interactive viewing system that a preselected program is available at a particular point in time. The program reminder system of Lawler identifies a selected program, informs the user that the program will be available shortly, and reminds the user to turn to the appropriate channel for viewing at the time that the selected program is available.

In response, Lawler does disclose a reminder feature in figure 8 (col. 11-12) that provides notification when a selected program is available for viewing (not cited by the examiner). However, the portion of Lawler cited by the examiner discloses a reserved

recording feature in figure 10 (col. 13, line 38 – col. 14, line 6) that allow selection of a program for recording from the program guide without the user having to set start and end times, channel, etc. Allowing the user to select recording of a program, including the setting of start and end times and channel, is considered by the examiner to be equivalent to setting reserved recording.

L. The Appellant argues on page 13 that the “Record This Show” capability appears to be an “instant record” or “quick timer” feature that is not relevant to the claimed invention. The claimed invention pertains to a method and system that performs, in sequence the steps of pre-storing the program identification information, selecting a given broadcast program for reserved-recording during the viewing thereof, maintaining the viewing of the programs while reading the program identification information, and setting reserved-recording data using the program identification information.

The recording feature of Lawler teaches that a program can easily be set for reserved recording. The combination of Young, Yuen, and Lawler suggest the setting of reserved recording of a program currently being viewed without interruption. Lawler is relevant because he teaches the setting of reserved recording of a program being viewed.

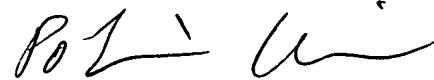
M. The Appellant argues that there is nothing within the disclosure of Young that would motivate a person of ordinary skill in the art to incorporate the teachings of Yuen. The combination is based on hindsight reasoning.

In response, Young discloses a means for setting reserved recording (col. 5, lines 40-55) in figures 2-3. The program set for reserved recording is not necessarily the program being viewed. Lawler discloses a means for setting reserved recording for a program being viewed in figure 10. Young does not disclose a reason to incorporate the teachings of Lawler because Lawler provides improvements to Young. Both devices are EPGs as defined previously. Lawler provides a function allowing the user to set reserved recording for a program being viewed, as well as the ability to set reserved recording on a weekly basis (fig. 10). Clearly these features make the setting of reserved recording easier for the user.

Conclusion

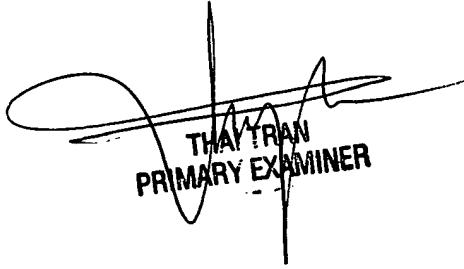
For the above reasons, it is believed that the rejections should be sustained.

Respectfully submitted,



PC
September 26, 2002

Conferees
Thai Tran
Andrew Christensen



THAI TRAN
PRIMARY EXAMINER

ROBERT E BUSHNELL
1522 K STREET N W
SUITE 300
WASHINGTON, DC 20005



ANDREW CHRISTENSEN
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600